

REMARKS

Applicant gratefully acknowledges the courtesy of the Examiner in granting an interview to Applicant's representative David Zviel, registration number 41,392, on 14 June 2004. In the interview, Applicant's representative proposed amendment to claims 1, 22, 23, 31 and 32. The Examiner stated that he believes that, pending a search of the proposed amendment, the proposed amendment overcomes the cited references.

Applicant has carefully studied the outstanding Official Action. The present amendment is intended to be fully responsive to all points of rejection and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the present application are hereby respectfully requested.

Claims 1 - 4, 6 - 15, 17 - 27 and 29 - 51 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6,020,882 to Kinghorn et al. and further in view of U.S. Patent 5,936,660 to Gurantz.

Kinghorn et al. describes an arrangement for the control of viewing of a television program in which a code is transmitted with the video signal. A decoder detects the received codes and passes them to a microcontroller. An authorized user is able to enter codes of permitted program classifications by means of a remote control unit. The received and permitted codes are compared in the microcontroller which inhibits the video and/or audio circuits if the received codes are not permitted codes. A non-volatile memory is arranged to store a plurality of different program classifications, each of which is valid for different periods of the day.

Gurantz describes a digital video conversion system housing multiple converter chains of units in a single main chassis. A preferred embodiment of Gurantz uses only a single conditional access unit to authorize decryption of premium channels in response to a smart card. The conversion system allows a single converter box sharing consolidated access control circuitry and a single remote control receiver to provide video output for multiple television sets on the subscriber's premises.

The present invention, in preferred embodiments thereof, provides for, “preventing decoding of the encoded program at the subscriber unit for at least one preselected time period, preselected in accordance with a preference of a user of the subscriber unit, wherein said step of preventing decoding comprises the step of disabling display of the program in a clear form at the subscriber unit for said at least one preselected time period **in response to disabling data resident in a removable security element** which is operatively associated with said subscriber unit” (claim 1).

The Examiner rejected claim 1 on the basis that: “it would have been obvious to one of ordinary skill in the art at the time of invention to modify Kinghorn’s Television access control system with Gurantz’s video conversion system to gain the advantage of controlling a subscriber’s authorizations through the use of an easily replaceable security element that can be **reprogrammed by the broadcaster** in response to requested changes by the subscriber [Gurantz col. 2, lines 4 - 19]”. Applicant respectfully disagree with the Examiner’s contention that it would have been obvious to combine Gurantz with Kinghorn et al. Applicant respectfully points out that the Examiner has not shown that “an easily replaceable security element that can be **reprogrammed by the broadcaster** in response to requested changes by the subscriber” exists in either Gurantz or Kinghorn.

Nevertheless, in order to facilitate allowance of the present application, claim 1 has been amended to highlight the difference between preferred embodiments of the present invention and the system of Kinghorn et al. in view of Gurantz. Claim 1 has been amended to recite an additional limitation whereby “the removable security element is programmed to perform said step of preventing decoding by least one of the following: a manufacturer; a salesperson; and the user”. Support for the additional limitation to claim 1 is found, inter-alia, on page 4 lines 11 - 16 of the specification.

Amended claim 1 is therefore deemed allowable.

Claims 2 - 4, 6 - 15 and 17 - 21 depend either directly or indirectly from amended claim 1, and recite additional patentable subject matter. Claims 2 - 4, 6 - 15 and 17 - 21 are therefore deemed allowable.

Claim 22 has been similarly amended to recite a limitation similar to that of amended claim 1.

Amended claim 22 is therefore deemed allowable with reference to the discussion of the allowability of claim 1.

Claim 23 has been amended to recite a limitation similar to the limitation added to amended claim 1.

Amended claim 23 is therefore deemed allowable with reference to the discussion of the allowability of claim 1.

Claims 24 - 30 depend either directly or indirectly from amended claim 23, and recite additional patentable subject matter.

Claims 24 - 30 are therefore deemed allowable.

Claim 31 is an apparatus claim corresponding to method claim 1. Claim 31 has been similarly amended.

Amended claim 31 is therefore deemed allowable.

Claim 32 is an apparatus claim corresponding to method claim 1. Claim 32 has been similarly amended.

Amended claim 32 is therefore deemed allowable.

The examiner has rejected claim 33 on the basis that Kinghorn et al. describes receiving an encoded program..., preventing decoding of the encoded program..., wherein said step of preventing decoding comprises the step of disabling display of the program...(Kinghorn et al. abstract; col. 6, lines 1 - 20; col. 8, line 63 - col. 9, line 23; and col. 10, line 60 - col. 11, line 12). Gurantz further describes that "a smartcard may be used on a pre-paid basis, or can be inexpensively replaced..." (Gurantz col. 2, lines 18 - 19).

By contrast, in the present invention in preferred embodiments thereof, as claimed in claim 33, "the **disabling code** is associated with a payment code determining a payment rate". Applicant respectfully point out that in claim 33 the payment is not on the basis of the smartcard, but is associated with the disabling code. The combination of Kinghorn et al. and Gurantz as described by the Examiner is, therefore, lacking the element of "the disabling code is associated with a payment code determining a payment rate" of claim 33.

Claim 33 is therefore deemed allowable.

Claims 34 - 50 depend either directly or indirectly from claim 33, and recite additional patentable subject matter.

Claims 34 - 50 are therefore deemed allowable.

Claim 51 is an apparatus claim corresponding to method claim 33.

Claim 51 is therefore deemed allowable with reference to the discussion of the allowability of claim 33.

Claims 20 and 49 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kinghorn et al. and Gurantz and further in view of US patent 5,461,675 to Diehl et al.

Diehl et al. describes a system in which a "timer is reset and begins timing at step 220 in FIG. 2. At step 230, the packet type is checked to determine when an EMM packet is received. If an EMM packet is received, step 220 is executed again to restart the timer. If an EMM packet is not received, the timer value is compared to a time limit value at step 240. The time limit value represents an interval during which an EMM packet should be received if EMM packets are not being suppressed. This interval may be determined by, for example, monitoring the rate of receipt of EMM packets by the smart card during normal operation. If the time limit is not exceeded, the time value is incremented at step 250 and operation continues at step 230 where checking for an EMM packet continues. A timer value that exceeds the time limit at step 240 indicates that EMM packets are being suppressed. As a result, processor 12 in card 11 in FIG. 1 inhibits descrambling at step 260 by, for example, ceasing the transmission of the required descrambling data to decoder 15 in FIG. 1. The card can inhibit descrambling either temporarily or permanently" (Diehl, col. 2, line 62 - col. 3, line 14).

By contrast, the present invention, as claimed in claim 20, including the limitations of base claim 17, comprises:

 "transmitting the program associated with an individually addressed disabling code from the headend;

 receiving the program with the associated individually addressed disabling code at the subscriber unit;

separating the individually addressed disabling code from the program to produce a separated individually addressed disabling code;

processing the separated individually addressed disabling code to determine whether the individually addressed disabling code is addressed to the subscriber unit; and

preventing decoding of said program for said at least one preselected time period if said individually addressed disabling code is addressed to the subscriber unit" (claim 17).

Wherein the "disabling code is comprised in one of the following: an Entitlement Control Message (ECM); and an Entitlement Management Message (EMM)" (claim 20).

Diehl et al. thus does not describe any of the elements of claim 20.

Furthermore, Applicant respectfully submits that the Examiner's rejection of claim 20 based on a combination of Diehl et al. with Kinghorn et al. and Gurantz is based on hindsight. There is no motivation provided in the references supplied by the Examiner to suggest such a combination.

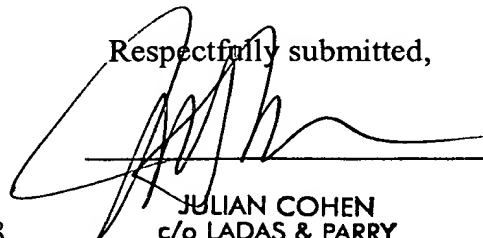
Claim 20 is therefore deemed allowable, in light of the above discussion of Diehl et al. Furthermore, claim 20 is indirectly dependent from claim 1, and recites additional patentable subject matter, and is therefore deemed allowable with reference to the discussion of the allowability of claim 1.

Claim 49 depends indirectly from claim 33, recites additional patentable subject matter, and comprises limitations substantially corresponding to claim 20.

Claim 49 is therefore deemed allowable, both in light of the above discussions of the allowability of claims 20 and 33.

In view of the foregoing remarks, it is respectfully submitted that the present application is now in condition for allowance. Favorable reconsideration and allowance of the present application are respectfully requested.

Respectfully submitted,


JULIAN COHEN
c/o LADAS & PARRY
26 WEST 61st STREET
NEW YORK, N. Y. 10023
Reg. No. 20302 (212) 708-1887